

## **CHAPTER VII**

### **OF OFFENCES RELATING TO THE ARMY <sup>1</sup>[ NAVY AND AIR FORCE]**

**131. Abetting mutiny, or attempting to deduce a soldier , sailor or airman from his duty** –Whoever abets the committing of mutiny by an officer, soldier, <sup>2</sup>[ sailor or airman], in the Army , <sup>3</sup>[Navy or Air Force] of the <sup>4</sup>[Government of India] or attempts to seduce any such officer, sildier,<sup>5</sup>[sailor or airman] for, his allegiance or his duty, shall be punished with<sup>6</sup>[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

<sup>7</sup>[Explanation.- In this section the words" officer",<sup>8\*</sup>"soldier",<sup>9\*</sup>"solider+ and "airman"+ include any person subject to the <sup>10</sup>[Army Act, <sup>11</sup>[ the Army Act, 1950(46 of 1950, <sup>9</sup>[the Naval Discipline Act, <sup>12</sup>[\*\*\*] the <sup>13</sup>[ Indian Navy(Discipline) Act, 1934 (34 of 1934)] <sup>14</sup>[ the Air Force Act or <sup>15</sup>[the Air Force Act, 1950(45 of 1950)], as the case a may be]]

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1. 1. Subs. by Act 10 of 1927, sec 2 and Sch.1, for "and Navy".
2. 2. Subs. by Act 10 of 1927, sec 2 and Sch.1, for "or sailor".
3. 3. Subs. by Act 10 of 1927, sec 2 and Sch.1, for "Navy".
4. 4. Subs by the A.O. 1950 of "Queen".
5. 5. Subs. by Act 10 of 1927, sec2 and Sch.I, for "or sailor".
6. 6. Subs by Act 26 of 1955, sec 117and Sch., for "transportation for life".(w.e.f.1-1-1956).
7. 7. Ins. by Act 27 of 1870,sec.6.
8. 8. Subs. by Act 10 1927,sec.2 and Sch.I, for " and soldier".
9. 9. Ins. By Act 35 of 1934, sec. 2 and sch.
10. 10. Subs. by Act 10 of 1927, sec 2 and Sch.1, for "Airtcles of War for the better government of Her Majesty's Army, or to the Articles of war contained in Act No.5 of 1869".

## CLASSIFICATION OF OFFENCE

Punishment-Death, or Imprisonment for life or imprisonment for 10 Years and fine-  
Cognizable- Non- bailable-Triable by Court or Session- Non-compoundable

**133. Abetment of assault by soldier, sailor or airman on his superior officer when in execution of his office.**- Whoever abets an assault by an officer, soldier, <sup>2</sup>[sailor or airman], in the Army, <sup>1</sup>[Navy or Air force] of the <sup>4</sup>[Government of India], on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

## CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 years and fine- Cognizable- Non- bailable-Triable by Court or Session- Non-compoundable.

**134. Abetment of such assault , if the assault is committed.**- Whoever abets an assault by an officer, soldier, <sup>1</sup>[sailor or airman], in the Army, <sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India], on any superior officer being in the execution of his office, shall ,if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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11. Subs. by Act 3 of 1951, sec,3 and Sch. for “the Indian Army Act, 1911”.
12. Teh words” or that Act as modified by” omitted by the A.O. 1950.
13. Now see the Navy Act, 1957 (62 of 1957).
14. Subs. by Act 14 of 1932, sec,130 and Sch., for “or the Air Force Act”.
15. Subs. by Act 3 of 1956, sec, and Sch., for “ the Indian Air Force Act 1932”.

#### **CLASSIFICATION OF OFFENCE**

Punishment-Imprisonment for 7 years and fine- Cognizable- Non- bailable-Triable by Magistrate- Non- compoundable.

**135. Abetment of desertion of soldier, sailor or airman.-** Whoever abets the desertion of any officer, soldier, <sup>1</sup>[ sailor or airman], in the Army , <sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India] , has deserted, harbours such officer, soldier, <sup>1</sup>[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Exception.-* This provision does not extend to the case in which the harbour is given by a wife to her husband.

#### **CLASSIFICATION OF OFFENCE**

Punishment-Imprisonment for 2 years and fine- Cognizable- Non- bailable-Triable by Magistrate- Non- compoundable.

**136. Harbouuring deserter.-** Whoever, except as hereinafter expected, knowing or having reason to believe that an officer, solider , <sup>1</sup>[sailor or airman], in the Army, <sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India], has deserted, harbours such officer, sildier,<sup>1</sup>[sailor or airman], shall be punished with imprisonment or either description for a term which may extend to two years, or with fine or with both.

*Exception.-* This provision does not ext+end to the case in which the harbour is given bya wife to her husband.

#### **CLASSIFICATION OF OFFENCE**

. Punishment-Imprisonment for 2 years and fine, or both- Cognizable- Non- bailable-Triable by Magistrate- Non- compoundable

**137. Deserter concealed on board merchant vessel through negligence of master** - The master or person in charge of a merchant vessel. On board of which any deserter from the Army, <sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India] is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred rupees if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but some want of discipline on board on board of the vessel.

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1. Subs. by Act 10 of 1927, sec.2 and Sch.I, for " or sailor".
2. Subs. by Act 10 of 1927, sec.2 and Sch.I, for " or Navy".
3. Subs. by the A.O. 1950, for "Queen".

#### **CLASSIFICATION OF OFFENCE**

Punishment-Fine of 500 rupees- Non-Cognizable-Bailable-Triable by any Magistrate- Non-compoundable

**138. Abetment of act of insubordination by soldier, sailor or airman.**- Whoever abets what he knows to be an act of insubordination by an officer soldier, <sup>1</sup>[sailor or airman], in the Army ,<sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India], shall , if such act of insubordination be committed in consequence of that abetment , be punished with imprisonment of either description for a term which may extend to six months, or with fine , or with both.

## CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 6 months ,or fine, or both- Cognizable- Bailable- e-Triable by Magistrate- Non- compoundable.

<sup>4</sup>[**138A. Application of foregoing sections to the Indian Marine Service.**-[Rep. By the Army Act, 1934(35 of 1934), sec. 2 and Sch.].]

**139. Persons subject to certain Acts.**- No person subject to [<sup>5</sup> the Army Act, <sup>6</sup>[ the Army Act, 1950 (46 of 1950), or the Naval Discipline Act, <sup>7</sup>[<sup>8</sup>[\*\*\*] <sup>9</sup>[the Indian Navy(Discipline) Act, 1934 (34 of 1934)], <sup>10</sup>[the Air Force Act <sup>11</sup>[the Air Force Act, 1950(45of 1950)]]], is subject to punishment under this Code for any of the offence defined in this Chapter.

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1. Subs. by Act 10 of 1927, sec.2 and Sch.I, for" or sailor"
2. Subs. by Act 10 of 1927, sec 2 and Sch.1, for "or sailor".
3. Subs by the A.O. 1950 of "Queen" .
4. Ins. by Act 14 of 1887, sec 79.
5. Subs. by Act10 of 1927, sec 2 and Sch.I, for "any Article of War for the Army or Navy of the Queen, or for any part such Army of Navy".
6. Subs. by Act 3 of 1951, sec 3 and Sch. for "the Indian Army Act, 1911".

**140. Wearing garb or carrying token used by soldier or airman.**- Whoever, not being a soldier,<sup>1</sup>[sailor or airman], in the Military, <sup>2</sup>[Naval or Air] Service of the<sup>3</sup>[Government of India], wears any garb or carries any token resembling any garb or token used by such a soldier, <sup>1</sup>[sailor or airman], with the intention that it may be believed that he is such a soldier, <sup>1</sup>[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to there months, or with fine which may extend to five hundred rupees, or with both.

## CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 months ,or fine of 500rupess, or both- Cognizable- Bailable- e- Triable by Magistrate- Non- compoundable.